

REMARKS

Claims 1, 3-5, 7, and 8 are all the claims pending in the present Office Action.¹ In summary, claims 1, 3-5, 7, and 8 are rejected for the same reasons set forth in the previous Office Action, and the Examiner adds a few new arguments in the *Response to Arguments* section of the present Office Action to support his claim rejections. Specifically, claims 1, 3-5, 7, and 8 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Benayoun et al. (US Patent No. 6,016,309) in view of Wu (US Patent No. 6,219,378).

With respect to independent claim 1, in the previous Amendment, Applicant argued, contrary to the Examiner's assertions, that the applied references (specifically, Benayoun) do not teach or suggest at least that the timer controller determines the clock value of the timer whenever the modem attempts a connection to the external modem. In response, the Examiner recites some of the teachings of Benayoun on pages 2-4 of the present Office Action, and alleges that these particular alleged teachings support the Examiner's rejections and, thus, satisfy the above-quoted feature of claim 1. In response, Applicant submits, as the Examiner acknowledges at the top of page 3 of the present Office Action, that the description of the teaching of Benayoun may, in fact detail the operations of the adaptor shown therein, however nowhere do the teachings of Benayoun disclose or suggest the specific feature of a timer controller determining the clock value of the timer whenever the modem attempts a connection to the external modem. That is, in order to satisfy the above-quoted feature, at least one of the applied references must disclose or suggest that each time (i.e., whenever) the modem attempts a connection to the

¹ The Examiner mistakenly indicates that claims 1-8 are pending, however claims 2 and 6 were canceled in the previously submitted amendment.

external modem, the timer controller determines the clock value of the timer. Even if, *arguendo*, Benayoun discloses that a clock value of the timer is determined, nowhere does Benayoun disclose or suggest that that determination is made whenever the modem attempts a connection to the external modem. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references either alone or in combination.

Applicant submits that independent claim 5 is patentable at least for reasons similar to those set forth above. Dependent claims 3, 4, 7, and 8 are patentable at least virtue of their respectively dependencies from independent claim 1 and 5.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Diallo T. Crenshaw
Registration No. 52,778

Date: October 20, 2005